HONORABLE RONALD B. LEIGHTON

1

2

3

4

5

6

7

8

9

10

11

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRENDA MARY HENRY,	No. 12-cv-6063 RBL
Plaintiff,	Order
v.	[Dkts. #1]
JEFFERSON TRANSIT AUTHORITY,	
Defendant.	

12

13

14

15

16

17

18

I.   INTRODUCTION

19   Before the Court is Plaintiff Brenda Mary Henry application to proceed *in forma*

20 *pauperis*. For the reasons set forth below, the Court denies the application.

21 ## II.   DISCUSSION

22   A district court may permit indigent litigants to proceed *in forma pauperis* upon

23 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad

24 discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil

25 actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th

26 Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should "deny leave to proceed

27 *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the

28 action is frivolous or without merit." *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369
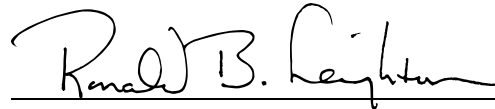
1 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*

2 complaint is frivolous if "it ha[s] no arguable substance in law or fact." *Id.* (citing *Rizzo v.*

3 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.

4 1984).

5   Here, the Court must deny Plaintiff's application because the Complaint is devoid of

6 factual allegations upon which relief could be granted.

7   **III.   ORDER**

8   For the reasons stated above, the Court **DENIES** the application to proceed *in forma*

9 *pauperis* [Dkt. #1]. Plaintiff has **15 days** to pay the filing fees or the case may be dismissed.

10

11   Dated this 11th day of January 2013.

12

13

14   Ronald B. Leighton
                                          United States District Judge

15

16

17

18

19

20

21

22

23

24

25

26

27

28